

Dean,
Douglass,
Goss,
Greer,
Imboden,

Steele,
Swayne,
Tips,
Whitaker.

NAYS—1.

Yoakum.

ABSENT—4.

Dickson,
Hutchison,

Kearby,
Simpson.

EXCUSED—1.

Woods.

By Senator Hutchison:

Amend section 11 by adding the words "Provided that no fines or penalties shall be recovered of insolvent poll tax payers for failure to work out their poll tax under the provisions of this act."

Adopted by the following vote:

YEAS—28.

Agnew,
Atlee,
Baldwin,
Boren,
Bowser,
Browning,
Crowley,
Dean,
Dickson,
Douglass,
Goss,
Greer,
Hutchison,
Imboden,

Jester,
Kearby,
Lawhon,
Lewis,
McComb,
McKinney,
Presler,
Shelburne,
Simpson,
Steele,
Swayne,
Tips,
Whitaker,
Yoakum.

NAYS—none.

ABSENT—2.

Cranford,
Smith.

EXCUSED—1.

Woods.

By Senator Browning:

Amend by striking out the word "eighteen," in section 10, line 1, and insert in lieu thereof the word "twenty-one."

Adopted by the following vote:

YEAS—30.

Agnew,
Atlee,
Baldwin,
Boren,
Bowser,
Browning,
Cranford,
Crowley,
Dean,
Dickson,
Douglass,
Goss,
Greer,
Hutchison,
Imboden,

Jester,
Kearby,
Lawhon,
Lewis,
McComb,
McKinney,
Presler,
Shelburne,
Simpson,
Smith,
Steele,
Swayne,
Tips,
Whitaker,
Yoakum.

NAYS—none.

EXCUSED—1.

Woods.

Senator Smith moved to adjourn till to-morrow morning at 10 o'clock.

Senator Imboden moved to adjourn till 3 o'clock this evening.

The vote being taken on the longest time first, Senator Smith's motion prevailed and Senate adjourned till to-morrow morning at 10 o'clock.

FORTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 1, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Craue in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—30.

Agnew,
Atlee,
Baldwin,
Boren,
Bowser,
Browning,
Cranford,
Crowley,
Dean,
Dickson,
Douglass,
Goss,
Greer,
Hutchison,
Imboden,

Jester,
Kearby,
Lawhon,
Lewis,
McComb,
McKinney,
Presler,
Shelburne,
Simpson,
Smith,
Steele,
Swayne,
Tips,
Whitaker,
Yoakum.

EXCUSED—1.

Woods.

Prayer by the chaplain, Dr. Briggs, as follows:

Heavenly Father! We come into Thy presence moved by a feeling as ancient as the race. As we go down the track up which the generations have come temples are the milestones of our journey, and prayers the chief music that we hear. Man no sooner sought bread to satisfy the hunger of his body than he sought God to satisfy the hunger of his soul. Before love built a home, or thought built a school, prayer built a temple. In obedience to this deep and imperious instinct we come into Thy presence. Inspire then hear our prayer. May it be something more than the bowing of creatures before the Creator or the homage of subjects to a sovereign in this hall,

may it ever be the tender communion of children with their Father. And to Thy great name be praise and honor now and always. Amen.

Pending the reading of the journal of yesterday,

On motion of Senator Swayne, the reading of the same was suspended.

On motion of Senator Cranford, the journal of yesterday was corrected so as to show that his motion that the Senate decline to receive the report of the committee on Senate substitute bills Nos. 29, 36, 82, 126 and 128, was lost.

COMMITTEE REPORTS.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 28, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Claims and Accounts to whom was referred

Senate bill No. 61 entitled "An act to refund to W. B. Brush the sum of two hundred and seventy-five dollars purchase money paid by him as contractor of State sewer at Austin, Texas, under act May 5, 1882, in acquiring for the State the right of way for said sewer,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass with this amendment: Add to section 2 as follows: Provided that said W. B. Brush shall convey to the State of Texas the right of way he acquired from Mrs. Teresa Fruth through her property under her receipt dated March 3, 1892.

LAWHON, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, March 1, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 238, entitled "An act to provide for the registration of brands, trade-marks, etc., of boxes, fountains, syphons, or other receptacles of carbonated goods, and providing penalties for the violation of said act,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass.

CRANFORD, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 28, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred

Senate joint resolution No. 8, entitled "A joint resolution to amend section 30 article 16, of the Constitution of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass and that it be considered in connection with Senate joint resolution No. 9.

BROWNING, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 28, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 231, entitled "An act to validate sales of real estate within this State made by foreign executors of wills probated in any of the States of the United States,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass with the following amendments:

Amend by adding the following:

Whereas, There is now no law under which such sales as are herein mentioned can be validated; and

Whereas, There are now pending a great many bills before the Senate and House of Representatives, and the near approach of the end of the session creates an emergency and a great public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from its passage; therefore

Be it enacted, That said constitutional rule be, and is hereby suspended, and this act take effect from and after its passage, and it is so enacted.

CRANFORD, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 28, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred

Senate joint resolution No. 7, entitled "A joint resolution to amend section 2 of article 6 of the Constitution of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not* pass.

BROWNING, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 28, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred

Senate bill No. 212, entitled "An act to ascertain whether E. J. Eaker, P. W. Walker, W. W. Abney, J. B. Walker, J. G. Dodson and Steve Minton, or either of them, have a lien in certain land owned by the State of Texas in Navarro county."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass.

LAWHON, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 28, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred

Senate joint resolution No. 6, entitled "A joint resolution to amend subdivision 2, section 1 of article of the Constitution of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not* pass.

BROWNING, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 28, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Agricultural Affairs to whom was referred

Senate bill No. 169, entitled "An act to amend articles 4592, 4603, 4064, 4605, 4606 of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass.

STEELE, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 28, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred

Senate joint resolution No. 9, entitled "A joint resolution to amend section 2 of article 10 of the Constitution of the State of Texas, so as to make railroad commissioners elective and their terms of office six years, and after the first election one to be elected every two years,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass, and that it be considered in connection with Senate joint resolution No. 8,

BROWNING, Chairman.

PETITIONS AND MEMORIALS

By Senator Douglass:

Petition from citizens of Ellis county asking for an equal division of the

unappropriated public domain between the University and public free schools.

BILLS AND RESOLUTIONS.

By Senator Baldwin, by request:

A bill to be entitled "An act to regulate the use, sale, and disposition of water by irrigation companies chartered under the laws of the State of Texas."

Read first time and referred to Committee on State Affairs.

By Senator Swayne:

A bill to be entitled "An act to extend the time within which lands that have been sold for taxes, and bought in by the State, cities and towns may be redeemed."

Read first time, and referred to Committee on State Affairs.

By Senator Baldwin, by request:

A bill to be entitled "An act to fix the pay of all county officers for ex-officio services, and to repeal all laws in conflict herewith."

Read first time, and referred to Committee on State Affairs.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

AUSTIN, TEXAS, March 1, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate of the passage by the House of the following bills, to-wit:

House bill No. 276, "An act to amend article 697, title 22, chapter 5 of the Revised Civil Statutes of the State of Texas."

House bill No. 416, "An act to restore to and confer upon the county courts of Nueces, McMullen and San Patricio counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and laws of Texas."

House bill No. 433, "An act to restore to and confer upon the county courts of Angelina, Shelby and Coke counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and laws of Texas."

House bill No. 446, "An act changing the times for holding courts in the Twenty-third judicial district."

House bill No. 564, "An act to change the times for holding court in the Second and Ninth judicial districts."

Respectfully,

CHESTER HAILE,

Acting Chief Clerk House of Representatives.

By Senator Steele:

A bill to be entitled "An act prescribing how and by whom tickets on railroads shall be sold, and providing for the redemption of tickets unused, and providing penalties for the violation of this act."

Read first time and referred to the Committee on Internal Improvements.

The Chair declared the morning call concluded.

The Chair referred the following House bills:

House bill No. 276, entitled "An act to amend article 697, title 22, chapter 5, of the Revised Civil Statutes of the State of Texas."

Referred to Judiciary Committee No. 1.

House bill No. 416, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of Henderson, Parker, Uvalde, Lampasas, Blanco, Bexar, Kimble, Nueces, Gillespie, Kendall, Wheeler, Oldham, Bandera, Wharton, McMullen, Medina, Frio, LaSalle, Dimmit, Hidalgo, Starr, Zapata, Duval and Burnet counties, and to conform the jurisdiction of the district and justice courts of said counties to such change, approved February 25, 1891, as far as same relates to Nueces, McMullen and San Patricio counties, and to reinvest the county courts of Nueces, McMullen and San Patricio counties with the jurisdiction, criminal and civil, which they had and exercised prior to the passage of said act diminishing the jurisdiction of said courts."

Referred to Judiciary Committee No. 1.

House bill No. 446, entitled "An act to amend section 23 of chapter 63 of an act passed at the regular session of the Twenty-second Legislature, approved April 13, 1891, entitled an act to amend section 23 of an act entitled an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, and to change the time of holding the terms of the district court in Brazoria county, and conform the issuance, service and return of processes from said court to such change."

Referred to Committee on Judicial Districts.

House bill No. 564, entitled "An act to amend an act approved July 4, 1887, and the act amendatory thereto approved March 31, 1891, and to change the times of holding the district courts

in the Second and Ninth judicial districts of the State of Texas, and to take Angelina county from the Ninth and attach same to the Second judicial district, and to fix the time of holding courts in said districts, and to provide for the return of all writs and process returnable to the district courts of said counties affected by this act that have heretofore been issued by said courts and that may hereafter be issued before this act takes effect, and made returnable to the terms of said courts as now fixed by law, and to make the same as valid and binding as if no change had been made, and to repeal all laws and parts of laws in conflict herewith."

Referred to Committee on Judicial Districts.

House bill No. 433, entitled "An act to restore and confer upon the county courts of Angelina, Shelby and Coke counties the civil and criminal jurisdiction heretofore belonging to them under the Constitution and General Laws of the State, and to conform the jurisdiction of the district courts of said counties to such change, and to give said county courts concurrent jurisdiction with justices of the peace and other inferior courts of said counties and to repeal all laws and parts of laws in conflict therewith."

Referred to Committee on Judicial Districts.

UNFINISHED BUSINESS.

The Chair laid before the Senate,

House bill No. 109, entitled "An act to create a more efficient road system in the county of Caldwell and auxiliary thereto, to provide for the appointment of road overseers, to define the powers and jurisdiction of the commissioners court with regard thereto, to utilize the labor of county convicts and defaulting poll tax payers on the public roads of said county, and to provide adequate penalties for the violation of the provisions of this act," on third reading.

Bill read third time and passed.

Senator Cranford moved to suspend the regular order of business and take Senate bill No. 104.

Carried.

The Chair then laid before the Senate,

Senate bill No. 104, entitled "An act for the relief of C. C. Dupree, sheriff and tax collector of Franklin county, Texas," on third reading and final passage.

Bill read second time and ordered engrossed.

Senator Browning moved to suspend regular order of business and take up Senate bill No. 199.

Carried.

The Chair then laid before the Senate,

Senate bill No. 199, entitled "An act for the relief of Charles Sisson," on second reading.

Bill read second time.

By Senator Browning:

Amend by adding:

"Section 2. The near approach of the close of the present session and the crowded condition of the calendar renders it improbable that the bill can be read on three several days in e. House, and creates an emergency a an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is enacted,"

Adopted.

By Senator Tips:

Amend caption by adding the following:

"And making an appropriation therefor."

Adopted.

Bill passed to engrossment and third reading by the following vote:

YEAS—22.

Atlee,	Imboden,
Baldwin,	Jester,
Boren,	Lawhon,
Bowser,	Lewis,
Browning,	McComb,
Cranford,	Presler,
Dickson,	Shelburne,
Douglass,	Simpson,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Whitaker.

NAYS—7.

Agnew,	Smith,
Crowley,	Steele,
Dean,	Yoakum.
McKinney,	

ABSENT—1.

Kearby.

EXCUSED—1.

Woods.

Senator Browning moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put upon its third reading and final passage.

Adopted by the following vote:

YEAS—25.

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,

Boren,	Lewis,
Bowser,	McComb,
Browning,	McKinney.
Cranford,	Presler,
Dickson,	Shelburne,
Douglass,	Simpson,
Goss,	Steele,
Greer,	Swayne,
Hutchison,	Whitaker.
Imboden,	

NAYS—5.

Crowley,	Tips,
Dean,	Yoakum.
Smith,	

EXCUSED—1.

Woods.

The bill was then read third time and passed by the following vote:

YEAS—21.

Atlee,	Imboden,
Baldwin,	Jester,
Boren,	Lawhon,
Bowser,	Lewis,
Browning,	Presler,
Cranford,	Shelburne,
Dickson,	Simpson,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchison,	

NAYS—8.

Agnew,	McKinney,
Crowley,	Smith,
Dean,	Steele,
Kearby,	Yoakum.

ABSENT—1.

McComb.

EXCUSED—1.

Woods.

Senator Douglass moved to suspend the regular order of business and take up Senate bill No. 149.

Carried.

The Chair then placed before the Senate,

Senate bill No. 149, entitled "An act to authorize the penitentiary board to purchase agricultural lands for the purpose of utilizing the labor of the inmates of the State reformatory at Gatesville, Texas," on second reading.

Read second time and committee amendment adopted.

Bill ordered engrossed.

Senator Imboden moved to suspend the regular order of business and take up House bill No. 26.

Carried.

The Chair then placed before the Senate,

House bill No. 26, entitled "An act to amend articles 747 and 748, chapter 11, title 17, of the Penal Code," on second reading.

Bill read second time.

By Senator Swayne:
Amend by adding in line 6 after the word "hog" the words "chicken, duck, goose or turkey."

Lost.

By Senator Agnew:
Amend by striking out articles 747 and 748 and insert as article 748 the following:

If any person shall steal any sheep, hog or goat he shall, if the value of the property stolen is \$50 or over, be punished by confinement in the penitentiary not less than two nor more than five years. If the value of the property is under \$50 he shall be punished by imprisonment in the county jail not exceeding one year, during which time the prisoner may be put to hard work, and by fine not exceeding \$500, or by such imprisonment without fine.

Lost.

By Senator Hutchison:
Amend by striking out the amendment as adopted by the House of Representatives "engrossed rider."

Lost.

By Senator Yoakum:
Amend by adding after the word "hog" in line 6, section 1, the words "or dog."

Lost.

By Senator Cranford:
Amend by striking out the enacting clause.

Lost by the following vote:

YEAS—12.

Agnew,	Lewis,
Browning,	McKinney,
Cranford,	Presler,
Dean,	Simpson,
Goss,	Swayne,
Lawhon,	Whitaker.

NAYS—18.

Atlee,	Imboden,
Baldwin,	Jester,
Boren,	Kearby,
Bowser,	McComb,
Crowley,	Shelburne,
Dickson,	Smith,
Douglass,	Steele,
Greer,	Tips,
Hutchison,	Yoakum.

EXCUSED—1.

Woods.

Bill failed to pass to its third reading by the following vote:

YEAS—15.

Atlee,	Hutchison,
Baldwin,	Imboden,
Boren,	Jester,
Bowser,	Kearby,
Crowley,	McComb,

17—Senate

Dickson,	Smith,
Douglass,	Yoakum.
Greer,	

NAYS—16.

Agnew,	Presler,
Browning,	Shelburne,
Cranford,	Simpson,
Dean,	Steele,
Goss,	Swayne,
Lawhon,	Tips,
Lewis,	Whitaker,
McKinney,	Mr. President.

EXCUSED—1.

Woods.

There being a tie, the Chair voted nay.

On motion of Senator Dean, substitute House bill No. 175 was recommitted to Committee on Counties and County Boundaries.

Senator Lewis made a motion to reconsider the vote by which the bill was recommitted, and to spread that motion on the journal.

Senator Yoakum moved to suspend regular order of business and take up the report of the committee on substitute Senate bills Nos. 29, 36, 82, 126 and 128.

Carried.

Bill read second time.

On motion of Senator Steele, Secretary Kennedy was excused for the remainder of the week on account of important business.

Senator Yoakum moved to consider the report of the committee in connection with Senate substitute bills Nos. 29, 36, 82, 126 and 128.

Adopted.

Senator Imboden moved to lay both the majority and minority committee reports on the table.

Tabled.

Senator Cranford offered the following resolution.

Whereas, There is now much business before the Senate, and

Whereas, The committees have in a measure completed their work and have but little business before them; therefore

Resolved, That the Senate adjourn at 12:30 o'clock p. m. to meet again at 3 o'clock p. m.

Adopted.

Senator Douglass raised the point of order that substitute Senate bills Nos. 29, 36, 82, 126 and 128 was not in the possession of the Senate, for the reason that the bill, with several others upon the same subject, had been referred to a joint special committee of the Senate and House and had not been reported back to the Sen-

ate by that committee in accordance with the instructions of the Senate.

Not sustained.

The Chair announced that the time had arrived at which the Senate had agreed to adjourn till 3 o'clock p. m.

The Senate adjourned accordingly.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the wing Senators answering to their names:

Agnow,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,
Boren,	Lewis,
Bowser,	McKinney,
Browning,	Presler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchison,	Yoakum.
Imboden,	

ABSENT—1.

McComb.

EXCUSED—1.

Woods.

The pending business being the consideration of substitute Senate bills Nos. 29, 36, 82, 126 and 128.

The Chair laid before the Senate,

Substitute Senate bills Nos. 29, 36, 82, 126 and 128, "An act to divide the State of Texas into six supreme judicial districts; to provide for and establish a court of civil appeals in each of said districts; to prescribe the time of holding said courts, and to repeal all laws in conflict with the provisions of this act," on second reading.

Committee amendment adopted.

Senator Douglass offered the following substitute:

A bill to be entitled "An act to divide the State of Texas into six supreme judicial districts, to provide for and establish a court of civil appeals in each of said districts; to prescribe the time for the holding of said courts, and to repeal all laws in conflict with this act."

Section 1. Be it enacted by the Leg-

islature of the State of Texas, That the State of Texas be and the same is hereby divided into six supreme judicial districts for the purpose of constituting and organizing courts of civil appeals therein respectively.

Sec. 2. That one of the civil courts of appeals shall be held in the First supreme judicial district, in the city of Galveston, in the county of Galveston.

Sec. 3. That one of the civil courts of appeals shall be held in the Second supreme judicial district, in the city of Fort Worth, in the county of Tarrant.

Sec. 4. That one of the civil courts of appeals shall be held in the Third supreme judicial district, in the city of Austin, in the county of Travis.

Sec. 5. That one of the civil courts of appeals shall be held in the Fourth supreme judicial district, in the city of —, in the county of —.

Sec. 6. That one of the civil courts of appeals shall be held in the Fifth supreme judicial district, in the city of —, in the county of —.

Sec. 7. That one of the civil courts of appeals shall be held in the Sixth supreme judicial district, in the city of —, in the county of —.

Sec. 8. The following counties shall compose the First supreme judicial district: Newton, Shelby, Jasper, Orange, Sabine, Jefferson, Hardin, San Augustine, Tyler, Polk, Trinity, Nacogdoches, Houston, Leon, Madison, Walker, San Jacinto, Angelina, Liberty, Chambers, Harris, Montgomery, Grimes, Washington, Waller, Fort Bend, Brazoria, Matagorda, Wharton, Colorado, Austin, Fayette, Gonzales, Lavaca, Jackson, Calhoun, Victoria, DeWitt, Goliad, Refugio, San Patricio, Aransas, Neuces, Hidalgo, Cameron and Galveston.

Sec. 9. The following counties shall compose the Second supreme judicial district: Tarrant, Denton, Cooke, Montague, Wise, Parker, Hood, Palo Pinto, Jack, Clay, Wichita, Archer, Young, Stephens, Eastland, Callahan, Shackelford, Throckmorton, Baylor, Wilbarger, Greer, Hardeman, Foard, Knox, Haskell, Jones, Taylor, Nolan, Fisher, Stonewall, King, Cottle, Childress, Collingsworth, Wheeler, Hemphill, Lipscomb, Ochiltree, Roberts, Gray, Donley, Hall, Motley, Dickens, Kent, Scurry, Mitchell, Howard, Borden, Garza, Crosby, Floyd, Briscoe, Armstrong, Carson, Hutchinson, Hausford, Sherman, Moore, Potter, Randall, Swisher, Hale, Lubbock, Lynn, Dawson, Martin, Midland, Ector, Ward, Reeves, Loving, Winkler,

Andrews, Gaines, Terry, Hockley, Lamb, Castro, Yoakum, Cochran, Bailey, Parmer, Deaf Smith, Oldham, Hartley and Dallam.

Sec. 10. The following counties shall compose the Third supreme judicial district: Travis, Bastrop, Caldwell, Hays, Comal, Blanco, Williamson, Burnet, Llano, Lampasas, San Saba, Mills, Mason, McCulloch, Brown, Coleman, Concho, Runnels, Tom Green, Glasscock, Upton, Crane, Irion Coke and Sterling.

Sec. 11. The following counties shall compose the Fourth supreme judicial district: Johnson, Navarro, Hill, Bosque, Hamilton, Coryell, McLennan, Limestone, Freestone, Robertson, Falls, Bell, Milam, Brazos, Burleson, Lee, Somervell, Erath and Comanche.

Sec. 12. The following counties shall compose the Fifth supreme judicial district: Ellis, Dallas, Collin, Grayson, Fannin, Hunt, Rockwall, Kaufman, Henderson, Anderson, Cherokee, Smith, Van Zandt, Wood, Rains, Franklin, Hopkins, Delta, Lamar, Red River, Titus, Camp, Upshur, Morris, Gregg, Rusk, Panola, Harrison, Marion, Cass and Bowie.

Sec. 13. The following counties shall compose the Sixth supreme judicial district: Starr, Zapata, Duval, Encinal, Webb, McMullen, LaSalle, Dimmitt, Maverick, Zavala, Frio, Atascosa, Wilson, Guadalupe, Bexar, Medina, Uvalde, Kinney, Val Verde, Edwards, Bandera, Kendall, Kerr, Gillespie, Kimble, Sutton, Menard, Schleicher, Crockett, Pecos, Foley, Buchel, Brewster, Jeff Davis, El Paso, Bee, Karnes, Live Oak, and Presidio.

Sec. 14. The terms of said court shall commence on the first Monday in October of each year, and may continue in session until the first Monday in July of each succeeding year.

Sec. 15. Whenever the number of cases on the docket of any court of civil appeals shall have accumulated to an extent greater than can be disposed of in a reasonable time, the supreme court shall upon the application of the chief justice of the court where such accumulation exists have power to order a sufficient number of such cases transferred to any one or more of the other courts of civil appeals whose dockets are not so crowded.

Sec. 16. The courts of civil appeals, as now organized, shall, upon the organization of the new courts herein provided for transfer to each of said courts respectively all cases appealed from counties within the respective districts of said new courts in the same manner and way in which

cases were transferred to said courts from the supreme court under the provisions of section 4 of the act of April 13, 1892.

Sec. 17. That the present judges of the courts of civil appeals as now constituted, shall continue in office until the expiration of their respective terms; provided, that when the county of the residence of any of said judges is placed in a new and different district by the provisions of this act, such judge is hereby transferred to the court of such new district, and shall hold and occupy in such new court the same position as he holds in the court as it now exists.

Sec. 18. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

By Senator Imboden:

Amend the bill by striking out of the Fifth district the counties of Anderson and Cherokee, and insert same in the First district.

Senator Steele made the point of order that the amendment could be read but not voted upon.

Sustained.

Senator Imboden withdrew his amendment to the substitute.

Senator Greer moved to lay the substitute on the table.

Adopted by the following vote:

YEAS—15.

Agnew,	Lawhon,
Baldwin,	Lewis,
Bowser,	Presler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Tips,
Greer,	Yoakum.
Hutchison,	

NAYS—14.

Atlee,	Jester,
Boren,	Kearby,
Browning,	McKinney,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Imboden,	Whitaker.

ABSENT—2.

McComb, Woods.

By Senator Yoakum:

Amend by inserting after the word "of" in line 2, and the word "of" in line 3, section 6, the word "Dallas."

Senator Boren offered the following substitute for the bill and amendment:

A bill to be entitled "An act to divide the State of Texas into four supreme judicial districts, to provide for and establish a court of civil appeals in

each of said districts, to prescribe the time of holding said courts, and to repeal all laws and parts of laws in conflict with the provisions of this act."

Section 1. Be it enacted by the Legislature of the State of Texas: That the State of Texas be and the same is hereby divided into four supreme judicial districts, for the purpose of constituting and organizing courts of civil appeals therein respectively.

Sec. 2 That one of the courts of civil appeals shall be held in the First supreme judicial district, in the city of Galveston, in the county of Galveston.

Sec. 3. That one of the courts of civil appeals shall be held in the Second supreme judicial district in the city of Fort Worth, in the county of Tarrant.

Sec. 4. That one of the courts of civil appeals shall be held in the Third supreme judicial district in the city of Austin, in the county of Travis.

Sec. 5. That one of the courts of civil appeals shall be held in the Fourth supreme judicial district in the city of —, in the county of —.

Sec. 6. That the following counties shall compose the First judicial district: Newton, Orange, Jasper, Tyler, Hardin, Jefferson, Chambers, Liberty, San Jacinto, Walker, Trinity, Polk, Madison, Grimes, Montgomery, Harris, Galveston, Victoria, Calhoun, Refugio, Goliad, Wharton, Brazos, Burleson, Washington, Austin, Fort Bend, Brazoria, Fayette, Waller, Jackson, Colorado, Matagorda, DeWitt, Aransas, Lavaca, Bee, San Patricio, Nueces, Starr, Hidalgo, Cameron, Zapata, Duval, Live Oak, Karnes, Gonzales, Robertson, Falls, Milam, McLennan, Bosque, Houston, Angelina, Nacogdoches, Shelby, San Augustine, Sabine, Leon, Lee, Bell, Coryell, Hill, Hamilton.

Sec. 7. That the following counties shall compose the Second district: Tarrant, Denton, Cook, Wise, Montague, Parker, Hood, Somervell, Erath, Eastland, Borden, Crosby, Randle, Glacock, Howard, Palo Pinto, Jack, Clay, Wichita, Archer, Young, Stephens, Callahan, Shackelford, Throckmorton, Baylor, Wilbarger, Greer, Hardeman, Foard, Knox, Haskell, Jones, Taylor, Ward, Nolan, Fisher, Stonewall, King, Cottle, Childress, Collingsworth, Wheeler, Hemphill, Lipscomb, Ochiltree, Roberts, Donley, Hale, Motley, Dickens, Kent, Gray, Garza, Scurry, Mitchell, Upton,

Midland, Martin, Dawson, Lynn, Lubbock, Hall, Lamb, Swisher, Armstrong, Potter, Carson, Hutchinson, Hansford, Sherman, Moore, Briscoe, Floyd, Hockley, Terry, Gaines, Andrews, Ector, Crane, Ward, Winkler, Loving, Reeves, Dallam, Hartley, Oldham, Deaf Smith, Parmer, Bailey, Cochran, Yoakum, Castro, Comanche.

Sec. 8. That the following counties shall compose the Third district: Encinal, Webb, LaSalle, Dimmit, McMullen, Maverick, Zavala, Frio, Atascosa, Uvalde, Medina, Bexar, Bandera, Val Verde, Edwards, Kerr, Foley, Mason, Kimble, Gillespie, Kendall, Sutton, Schleicher, Menard, Crockett, Pecos, Presidio, Jeff Davis, Buechel, San Saba, Llano, Burnet, Williamson, Travis, Hayes, Comal, Guadalupe, Caldwell, Wilson, Kinney, Lampasas, Bastrop, Blanco, Mills, Brown, McCulloch, Coleman, Concho, Runnels, Tom Green, Irion, Coke, Sterling, Brewster, El Paso.

Sec. 9. That the following counties shall compose the Fourth district: Panola, Rusk, Cherokee Limestone, Freestone, Navarro, Anderson, Henderson, Van Zandt, Kaufman, Rockwall, Hunt, Fannin, Lamar, Hopkins, Delta, Rains, Wood, Franklin, Smith, Gregg, Harrison, Marion, Upshur, Cass, Morris, Titus, Red River, Bowie, Camp, Dallas, Collin, Grayson, Ellis, Hill, Johnson.

Sec. 10. That the terms of said courts shall commence on the first Monday in October of each year and may continue in session until the first Monday in July of each succeeding year.

Sec. 11. That the near approach of the close of the present session of the Legislature, and the fact that the present supreme civil courts are unable to dispose of the cases on their dockets in a reasonable length of time creates an emergency and public necessity which requires the suspension of the constitutional rule requiring bills to be read on three several days, be and the same is hereby suspended and that this act take effect and be in force from and after its passage.

Sec. 12. Whenever the number of cases on the docket of any court of civil appeals shall have accumulated to an extent greater than can be disposed of in a reasonable time, the supreme court shall, upon the application of the chief justice of the court where such accumulation exists, have power to order a sufficient number of such cases transferred to any one or

more of other courts of civil appeals whose dockets are not so crowded.

Sec. 13. The courts of civil appeals as now organized shall, upon the organization of the new court in judicial district No. 4 herein provided for, transfer to said court all cases appealed from counties within said district in the same manner and way in which cases were transferred to said civil courts under the provisions of section 4 of the act of April 13, 1892.

Senator Tips entered a motion to reconsider the motion by which the substitute offered by Senator Douglass was lost, and have the same spread upon the journal.

Senator Tips offered the following resolution.

Resolved, That the sergeant-at-arms be, and is hereby instructed to obtain two maps of the State of Texas, and to cause the supreme judicial districts as proposed by the majority and minority committees to be plainly marked thereon in various colors, said maps to be hung up or placed in the Senate chamber for the convenience and information of the Senate.

Adopted.

Senator Douglass moved to adjourn till to-morrow at 10 o'clock.

Senator Crowley moved to adjourn till 10 o'clock Friday morning.

The vote being taken on the longest time first, Senator Crowley's motion was lost by the following vote:

YEAS—8.

Boren,	Goss,
Crowley,	Imboden,
Dean,	Shelburne,
Dickson,	Simpson,

NAYS—21.

Agnew,	Lawhon,
Atlee,	Lewis,
Baldwin,	McKinney,
Bowser,	Presler,
Browning,	Smith,
Cranford,	Steele,
Douglass,	Swayne,
Greer,	Tips,
Hutchison,	Whitaker,
Jester,	Yoakum,
Kearby,	

ABSENT—1.

McComb.

EXCUSED—1.

Woods.

The Chair then put Senator Douglass' motion, which was carried by the following vote:

YEAS—21.

Agnew,	Hutchison,
Atlee,	Jester,
Boren,	Kearby,

Bowser,	McKinney,
Browning,	Presler,
Cranford,	Smith,
Dean,	Steele,
Dickson,	Swayne,
Douglass,	Tips,
Goss,	Whitaker,
Greer,	

NAYS—8.

Baldwin,	Lewis,
Crowley,	Shelburne,
Imboden,	Simpson,
Lawhon,	Yoakum,

ABSENT—1.

McComb.

EXCUSED—1.

Weeds.

FORTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 2, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—29.

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,
Boren,	McKinney,
Bowser,	Presler,
Browning,	Shelburne,
Cranford,	Simpson,
Crowley,	Smith,
Dean,	Steele,
Dickson,	Swayne,
Douglass,	Tips,
Goss,	Whitaker,
Greer,	Woods,
Hutchison,	Yoakum,
Imboden,	

ABSENT—2.

Lewis,

McComb.

Prayer by the chaplain, Dr. Briggs, as follows:

O Lord, our Father, teach us how to pray. Help us to see that prayer is not lip-labor, nor word-music, nor any outward attitude or ceremony. Make this moment one of the most real of our lives. May it be a time when weakness seeks strength; guilt, remission; sorrow, comfort; ignorance, knowledge; when the soul mounts as upon angel wings into the presence of the Most High. And to Thy name be power and glory now and always. Amen.